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Appl. No. 10/783,114

Election dated May 12, 2005

Reply to Restriction Requirement of 3-28-05

Attorney Docket No. 1217-040374

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 10/783,114 Confirmation No. 7704
Applicants : Masahiko YAMAMOTO et al.
Filed : February 20, 2004
Title: : Apparatus and Method for Inspecting Film Carrier Tape
for Mounting Electronic Component
Art Unit : 1734
Examiner : George R. Koch
Customer No. : 28289

ELECTION WITH TRAVERSE

MAIL STOP AMENDMENT

Commissioner of Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

This is in response to the Office Action dated March 28, 2005, in which a shortened statutory period for reply was set for one month. A Petition for One-Month Extension of Time accompanies this response, along with the requisite fee.

Election of Claims begins on page 2 of this paper.

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on May 12, 2005.

Diane Paull

(Name of Person Mailing Paper)

Diane Paull 05/12/2005
Signature Date



ELECTION WITH TRAVERSE

The Examiner required restriction under 35 U.S.C. §§121 and 372 as follows:

Group I: Claims 1-19 and 40-46, drawn to an apparatus for inspecting film carrier tape; and

Group II: Claims 29-39, drawn to a method of inspecting film carrier tape.

Applicants hereby elect for further prosecution the invention of Group I including claims 1-19 and 40-46.

Applicants respectfully traverse the restriction requirement in view of the foregoing remarks.

The Examiner indicated that the apparatus as claimed can be used to practice a materially different process, i.e., "such as one used with a bottle label system, wherein labels are stored and inspected on the film carrier tape." The Examiner has failed to cite any prior art bottle labeling process which utilizes an apparatus that is the same as or similar to Applicants' apparatus.

In addition, it is highly unlikely that Applicants' apparatus could or would be used for inspecting bottle labels. Film carrier tapes for mounting electronic components are much more complex than bottle labels and, as such, require a sophisticated inspection to ensure high quality operation while achieving reduced inspection costs.

Applicants are unaware of any bottle labeling carrier tape which includes a plurality of labels arranged side by side in a transverse direction across

the width direction of the tape so as to provide, after slitting, a plurality of separate strips of tape carrying the labels in an aligned, side-by-side manner transversely across the several tapes. Without such an aligned, side-by-side carrier/tape structure for bottle labels in the prior art, it is submitted that Applicants' claimed apparatus would not be suitable or wholly operable for its intended purpose.

Applicants' claimed apparatus and method permit the intricate inspection of the film carrier tape for mounting of electronic components wherein the carrier tape has mounting portions positioned transversely across the tape in parallel. The tape is then longitudinally slit into a plurality of separate parallel strips in the apparatus and method to permit side-by-side inspection of each component in each mounting portion across the plurality of strips. The cutting and separating of the parallel strips allows the individual parallel strips to lie flat in a common plane to permit visual inspection by a microscope with all parallel components of all strips lying in a common focal plane. In prior art film carrier strips that are not cut prior to inspection, the wider strip tends to flex or warp in the transverse direction, which causes the components carried by the strip to be positioned at different focal lengths relative to the inspection microscope, thus making inspection very time-consuming. The slitting element in the apparatus and the slitting step in the method solve this flexing/warping problem.

It is extremely doubtful that a bottle labeling operation would require the level of detailed microscopic inspection required in electronic devices. Accordingly, Applicants' apparatus would not and, indeed, probably could not be used in bottle label inspecting due to the different levels of quality control in each industry, as well as the need for a film carrier tape in which a plurality of mounting

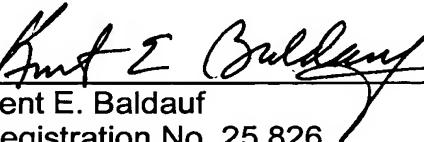
portions are arranged transversely across the tape in parallel side-by-side fashion for slitting into individual strips by the apparatus. It is only by improper hindsight reconstruction that the Examiner has created such a bottle-labeling scheme.

Clearly, the restriction requirement is improper and it is respectfully requested that it be withdrawn. Examination of method claims 29-39 is requested.

Applicants reserve their right to file at a later time a divisional application directed to the non-elected claims if the restriction requirement is not withdrawn. Pursuant to 37 C.F.R. §1.48(b), there is no change in inventorship as a result of this election.

Respectfully submitted,

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